

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

HERBERT L. BROWN,)
)
Plaintiff,)
)
v.) **No. 12-3086-STA-tmp**
)
PATRICK R. DONAHOE, Postmaster)
General, United States Postal Service,)
)
Defendant.)

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Before the Court are Plaintiff Herbert L Brown's Objections to the Magistrate Judge's Report and Recommendation on Defendant Patrick R. Donahoe's ("Defendant") Motion to Dismiss (D.E. # 20). On January 30, 2014, Magistrate Judge Pham issued a Report and Recommendation that Defendant's Motion to Dismiss be granted (D.E. # 19). Plaintiff filed his objections on February 14, 2014. For the reasons set forth below, the Court ADOPTS the Magistrate Judge's Report.

First, objections to the Report and Recommendation were due within 14 days of the entry of the Report, Since the Magistrate Judge entered his Report and Recommendation on January 30, 2014, Plaintiff's objections were due on or before February 13, 2014. Therefore, Plaintiff's objections, which he filed February 14, 2014, were untimely. However, as Plaintiff is a *pro se* litigant, the Court will consider the objections.

Federal Rule of Civil Procedure 72(b)(2) states: "Within 14 days after being served with a copy of the recommended disposition, a party may serve and file *specific written objections* to

the proposed findings and recommendations.”¹ A general objection a report is insufficient and has the same effect as a failure to object.² When a party fails to object to a magistrate judge’s report, he waives his right to appeal.³

Plaintiff fails to identify any specific objection to the Magistrate Judge’s Report and Recommendation. Rather, Plaintiff merely asserts that he needs a lawyer and that he was unable to respond to Defendant’s Motion because of his mental state. Additionally, Plaintiff asserts additional facts regarding his claim before the United States Department of Labor. However, Plaintiff does not explain how these facts support his case or how they relate to the Magistrate Judge’s analysis of his claims. Beyond this, Plaintiff presents no objections to anything in the Magistrate Judge’s Report and Recommendation.

Because Plaintiff has failed to make any specific objections to the Magistrate Judge’s Report and Recommendation, any objections were waived and the Court hereby **ADOPTS** the Magistrate Judge’s Report. Defendant’s Motion to Dismiss is **GRANTED**.

IT IS SO ORDERED.

s/ **S. Thomas Anderson**
S. THOMAS ANDERSON
UNITED STATES DISTRICT JUDGE

Date: February 19, 2014.

¹ Fed. R. Civ. P. 72(b)(2) (emphasis added).

² *Howard v. Secretary of HHS*, 932 F.2d 505, 508-09 (6th Cir. 1991).

³ *Id.* at 508 (“a party waives his or her right to appeal by failing to file objections to a magistrate’s report and recommendation.”).